UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

24 FEB 1989

SUBJECT: Publication of the Final Environmental Impact Statement and a Proposed Rule to Designate an Ocean Disposal Site for Fish Processing Wastes off American Samoa

Dear Interested Party:

The Environmental Protection Agency (EPA), Region 9 has published a Final Environmental Impact Statement (FEIS) and a Proposed Rule for designation of an ocean disposal site for Fish Processing Wastes off American Samoa. The FEIS is published in accordance with the provisions of Section 102(c) of the National Environmental Policy Act and EPA's policy to prepare environmental impact statements for designation of ocean disposal sites (39 FR 37419, October 21, 1974). The Proposed Rule is required to amend EPA's Ocean Dumping Regulations at 40 CFR 228.12(b) for formal designation of the site.

A copy of the FEIS and the Proposed Rule are enclosed for your review. Any written comments or questions regarding the proposed site designation should be submitted no later than April 3, 1989 to: Patrick Cotter, Oceans and Estuaries Section (W-7-1), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, Telephone: (415) 974-0257. You may also contact Mr. Cotter if you have any questions on the proposed action.

Thank you for your cooperation and review of the proposed designation of the Fish Processing Waste disposal site.

Sincerely,

David Stuart

Janet Hashimoto, Chief
Oceans and Estuaries Section

Enclosures

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

Ocean Dumping; Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA), Region IX

ACTION: Proposed Rule.

SUMMARY: EPA Region IX proposes to designate an ocean disposal site located southeast of Tutuila Island, American Samoa for the disposal of fish processing wastes. The center of the site is 5.45 nautical miles from land (14° 24.00' South latitude by 170° 38.20' West longitude), located in 1,502 fathoms of water, with a radius of 1.5 nautical miles. The fish processing wastes are generated by Star-Kist Samoa, Incorporated and Samoa Packing, Incorporated located in Pago Pago. These are subsidiaries of Star-Kist Foods, Incorporated and Van Camp Seafood Company, Incorporated, respectively. This action is necessary to provide an acceptable ocean dumping site for the disposal of fish processing wastes from the American Samoa facilities. This proposed site designation is for an indefinite period of time, but the site is subject to periodic monitoring to insure that unacceptable adverse environmental impacts do not occur. The interim Fish Cannery Wastes Site-Region IX will be removed from the list of interim sites at 40 CFR 228.12(a)(3).

DATE: Comments must be received on or before 30 days from date of publication.

ADDRESSES: Send comments to: Mr. Patrick Cotter, Ocean Dumping Coordinator (W-7-1), U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105.

Information for this proposed designation is available for public inspection at the following locations:

1. EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street, S.W., Washington, D.C.

2. EPA Region IX, Library, 215 Fremont Street, San Francisco, California.

3. EPA Pacific Islands Coordination Office, 300 Ala Moana Boulevard, Room 1302, Honolulu, Hawaii.

4. American Samoa Environmental Quality Commission, Pago Pago, American Samoa.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Cotter at the above address, or by telephone at (415) 974-0257.

SUPPLEMENTARY INFORMATION

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended, 33 U.S.C. 1401 et seq., gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986 EPA's Administrator delegated the authority to designate ocean disposal sites for fish processing wastes to the Administrator of the Region which received a request for an ocean dumping permit. This site designation is being made according to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter 1, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by publication in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2462 et seq.). A fish cannery waste disposal

site was designated for American Samoa on November 24, 1980 (45 FR 77435). This site designation was restricted to a three year period which ended on November 24, 1983. Before the site expired, EPA Region IX issued a letter on August 8, 1983 authorizing the canneries to dispose of the fish processing wastes at the site until a suitable site designation environmental impact statement was prepared by the Agency. After publication and acceptance of the final rule for the fish processing waste disposal site, the previous Fish Cannery Wastes Site-Region IX will be deleted from 40 CFR 228.12(a)(3).

A series of MPRSA Section 102 research permits (OD 86-01, OD 87-01, OD 88-01 and OD 88-02) were issued to the canners. The special conditions and monitoring requirements in these permits have been used to characterize the current disposal site (900 fathom site) during actual disposal operations. Research permits were issued because EPA Region IX determined that there was a need to collect scientific information about the impact of this fish processing waste disposal in the environment near American Samoa. Results of the site monitoring program revealed that unacceptable environmental impacts did not occur at the designated ocean disposal site.

On November 18, 1988, President Reagan signed the Ocean Dumping Ban Act of 1988 (PL 100-688). This law excludes waste from the tuna canneries in American Samoa [amended MPRSA Section 104B(k)(3)(B)] from the prohibition of ocean dumping of industrial wastes after December 31, 1991. The proposed designation of an ocean dumping site corresponds to the intent of

Congress to provide an acceptable means of disposing of fish cannery wastes in the most environmentally sound manner.

Interested persons may participate in this proposed rulemaking by submitting written comments within 30 days of the date of this publication to the address given above.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., (NEPA) requires that Federal agencies prepare an environmental impact statement (EIS) on proposals for major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision-making process careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designations (39 FR 37419, October 21, 1974).

EPA Region IX prepared a Draft EIS entitled "The Designation of an Ocean Disposal Site off Tutuila Island, American Samoa for Fish Processing Wastes." A notice of availability of the DEIS for public review and comment was published in the Federal Register (53 FR 38118, September 16, 1988). The public comment period on this DEIS closed on October 31, 1988 after receipt of 11 comment letters.

The following substantive comments were discussed in the 11 comment letters:

Comment 1: The no action, land-based and shallow water alternatives should be eliminated from consideration for disposal

of fish processing wastes in American Samoa. Ocean dumping at an acceptable site is a good solution for disposal of fish processing wastes.

Response 1: EPA Region IX has established the need for ocean dumping and has selected the 1,500 fathom site as the preferred alternative.

Comment 2: Reports by local fishermen and government officials suggest that the waste plume may be affecting nearshore coral reef areas off Tafuna Airport, the village of Nu'uuli, Coconut Point, and fish aggregation device near Steps Point.

Response 2: To ensure protection of sensitive marine ecosystems and human health, EPA Region IX has taken the most conservative approach to designation of an appropriate site and selected a site 5.45 nautical miles offshore. The center of the 1,500 fathom site is approximately 2.75 nautical miles farther offshore than the 900 fathom site.

Comment 3: Select the 1,500 fathom site for the preferred alternative. This alternative would reduce the potential for the plume to affect the nearshore areas, and it would better accommodate possible increases in waste disposal that have been contemplated by the two canneries.

Response 3: As stated above, a site 5.45 nautical miles from shore has been selected as the preferred alternative in response to environmental concerns.

Comment 4: The 1,500 fathom and 900 fathom sites are similar and both locations may provide beneficial uses to ocean. Therefore, EPA should designate the 900 fathom site because no major

environmental impacts have been shown and the additional distance would increase the cost of the disposal operations and exposure to more severe ocean conditions may prevent safe disposal at the 1,500 fathom site.

Response 4: EPA Region IX has selected the 1,500 fathom site as the preferred alternative to minimize environmental impacts. After discussions with the canners, the Agency has been assured that this site will not cause significant problems for waste disposal or monitoring.

Comment 5: The American Samoa Government requested that EPA Region IX obtain a water quality certification under Section 401 of the Clean Water Act (CWA) and a coastal zone consistency determination under Section 307(c) of the Coastal Zone Management Act (CZMA) for site designation. The American Samoa Government also stated that they have the authority to issue ocean dumping permits without consulting the U.S. EPA.

Response 5: The disposal site has been moved outside the 3-mile State territorial limit. A consistency determination and a Section 401 Clean Water Act water quality certification is not applicable to the proposed designation under Section 102 of MPRSA. In addition, all material transported to the ocean for the purpose of disposal must be permitted by EPA as specified in Title I of MPRSA.

Comment 6: Discuss the application of the American Samoa Water Quality Standards to the proposed disposal site.

Response 6: The 1,500 fathom site has been located outside of State territorial waters; therefore, American Samoa Water Quality

Standards are not directly applicable at the disposal site. Water quality at the boundary of the site will meet the definition of the limiting permissible concentration after allowance for initial mixing as specified in 40 CFR 227.27 and 227.29.

Comment 7: One request was received for a public hearing in American Samoa.

Response 7: Disposal of fish cannery wastes has been permitted off American Samoa since 1980. No comments have been received which dispute the selection of ocean dumping as an option for the two tuna canneries. Many comments were received from American Samoa concerning selection of the 900 fathom site. In response to these comments, the 1,500 fathom site has been selected as the preferred alternative. Public comments will still be accepted by EPA Region IX on this proposed rule and the Final Environmental Impact Statement (FEIS). Therefore, a public hearing on the proposed action is not warranted based on the public comments.

Summary: EPA's proposal to designate the 1,500 fathom site and the supporting information for the preferred alternative are described in the FEIS to be issued by the end of January 1989. Anyone desiring to comment on the FEIS should contact the Regional Office listed above for a copy of the document. The deadline for submitting comments on the FEIS will be published in the Federal Register as a Notice of Availability.

C. FEIS Alternatives Analysis

The proposed action discussed in the FEIS is designation of an acceptable fish processing waste disposal site for continuing

use. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal as specified in 40 CFR Part 228 of EPA's Ocean Dumping Regulations. Use of the site will be regulated through the issuance of MPRSA Section 102 special permits in compliance with the criteria defined in 40 CFR Part 227. Each special permit will last for a maximum of 3 years.

Application for each permit will be evaluated individually to determine whether the permittees have provided adequate information to characterize the waste. All monitoring data will be reviewed to determine whether any environmental impacts have occurred as a result of disposal of fish processing wastes at the designated site. If EPA Region IX determines that significant unacceptable impacts have occurred at the site, then the Regional Administrator may require that a new site be designated.

The FEIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. The following alternatives were evaluated in this FEIS:

1. **No Action** - This alternative would prohibit ocean disposal of fish processing wastes. No action would force the canneries to consider one of the following alternatives: 1) discharge of the wastes into Pago Pago Harbor, 2) disposal on land, or 3) closure of the fish processing plants. The options listed for the No Action alternative were determined to be unacceptable solutions because environmental risks were unacceptable and land disposal has been banned by the American Samoa Government.

2. **Other Technological Alternatives** - These alternatives

include: centrifuging, belt presses, vacuum filter presses, anaerobic treatment and digestion, production of animal feed, oil recovery, incineration, pulse jet drying, ultrafiltration, and composting. All of these alternatives were examined in the DEIS and found to be unacceptable for disposal of fish processing wastes.

3. Current Disposal Site (900 fathom site) - This site has been used for ocean disposal of fish processing wastes since a research ocean dumping permit (OD 86-01) was issued in 1987. The center of the site was located 2.25 nautical miles from land (14^{o} 22.18' South latitude by 170^{o} 40.87' West longitude) in 910 fathoms of water. This site has been monitored extensively for two years, during 4 research permits.

4. Shallow Water Site - This site is located 2.3 nautical miles seaward of the entrance to Pago Pago Harbor (14^{o} 20.00' South latitude by 170^{o} 39.30' West longitude) in 120 fathoms of water. The site is very close to the Taema Bank fishing area, and not considered as a viable alternative for ocean disposal of fish processing wastes.

5. Deeper Water Site (1,500 fathom site) - The center of the deeper water site defined in the DEIS was moved 0.5 nautical miles farther offshore in the FEIS. Water depth at the center of the site is 1,502 fathoms. This proposal was made by EPA Region IX as a result of comments received on the DEIS. The center of the 1,500 fathom site in the FEIS (14^{o} 24.00' South latitude by 170^{o} 38.20' West longitude) is located approximately 5.45 nautical miles from land. Major considerations include: the

area of the disposal site, containment of the dumping plume within the site given the initial mixing calculations, the proximity of the site to American Samoa territorial waters, the feasibility of monitoring and surveillance, and other specific criteria defined at 40 CFR 228.6(a).

The FEIS presents the information needed to evaluate the suitability of ocean disposal alternatives for final designation which is based on site monitoring studies. The site monitoring studies, waste stream monitoring and final designation are being conducted under MPRSA, the Ocean Dumping Regulations, and other applicable Federal environmental legislation.

D. Proposed Site Designation

The site proposed by EPA Region IX for designation is the 1,500 fathom site, located approximately 5.45 nautical miles offshore. The site occupies an area of about 7.07 square nautical miles. Water depths within the area are approximately 1,502 fathoms (2,746 meters). The coordinates of the site are as follows: 14^{o} 24.00' South latitude by 170^{o} 38.20' West longitude with a radius of 1.5 nautical miles. If at any time during the monitoring program required by the MPRSA Section 102 permit, EPA Region IX determines that disposal operations at the site are causing unacceptable adverse impacts, further use of the site will be restricted or ended. The anticipated used of the site will not cause significant unacceptable environmental impacts as a result of disposal of fish processing wastes. The environmental impact of the disposal operations will be evaluated on a quarterly basis when the permit monitoring data is provided

to EPA Region IX.

E. Regulatory Requirements

Selection and approval of ocean disposal sites for continuing use is evaluated first for compliance with 5 general site selection criteria. A site is selected to minimize interference with other marine activities, to keep any temporary dumping perturbations from causing impacts outside the disposal site, and to permit effective monitoring for detection of any adverse impacts at an early stage. Where feasible, locations off the continental shelf and sites with historical use are chosen. If disposal operations at an interim site cause unacceptable adverse impacts, the use of that site will be ended as soon as a suitable alternate disposal site can be designated. The 5 general criteria are given in Section 228.5 of the EPA Ocean Dumping Regulations, and Section 228.6(a) lists 11 specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

The proposed site, as discussed below under the 11 specific factors, meets the 5 general criteria. Historical use at the 900 fathom site has not resulted in substantially adverse effects to living resources of the ocean or to other uses of the marine environment. The 1,500 fathom site is expected to have similar effects on marine resources approximately 2.75 nautical miles southeast of the 900 fathom site.

The characteristics of the proposed site are reviewed below for the 11 factors.

1. Geographical position, depth of water, bottom topography and

distance from the coast [40 CFR Section 228.6(a)(1)]. The 1,500 fathom site is located approximately 5.45 nautical miles (9.2 kilometers) from shore at a depth of approximately 1,502 fathoms (2,746 meters). The bottom topography of the dump site slopes sharply from 1,200 fathoms in the northwest quadrant to depths more than 1,502 fathoms (NOAA, Chart 83434). Since the fish processing waste disposal plume is buoyant, no sediment samples have been taken because benthic impacts are not expected at the site.

2. Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases [40 CFR 228.6(a)(2)]. There are no known breeding, spawning or nursery uses of the 1,500 fathom site. The species in the vicinity of the site are pelagic fish species that are harvested commercially, and species of marine birds and cetaceans that are seen infrequently near the site.

3. Location in relation to beaches and other amenity areas [40 CFR 228.6(a)(3)]. The 1,500 fathom site is 5.45 nautical miles from the nearest shoreline. EPA Region IX has determined that visual impacts of plumes, transport of dredged material to any shoreline and alteration of any habitat of special biological significance or marine sanctuary will not occur if this site is designated.

Comments received on the DEIS indicate that the plume from the 900 fathom site may have moved close to shore on rare occasions. These reports included sightings and detection of odors associated with the waste. As a result of these reports,

EPA Region IX has moved the center of the proposed site farther offshore and increased the radius of the site to contain the plume as shown by mathematical model runs in the FEIS.

4. Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste if any [40 CFR 228.6(a)(4)]. The canners propose to dispose of the following fish processing wastes at the disposal site: 200,000 gallons/day of dissolved air flotation (DAF) sludge, 56,900 gallons/day of precooker water, and 256,900 gallons/day of presswater. These amounts are proposed for disposal on a daily basis in the event that delays in daily disposal operations occur. Actual disposal of DAF sludge has been approximately 48,000 gallons per day. The average monthly disposal of authorized wastes from both canneries has been under 660,000 gallons from 1980 to 1987. The need for this in the MPRSA Section 102 permit is to allow the canners to dump precooker water and press water when National Pollutant Discharge Elimination System (NPDES) permits with stricter limits take effect in the future.

The wastes will be transported via a dumping vessel with 24,000 gallon tanks. After modifications, the vessel could carry up to 100,000 gallons of waste per trip for disposal at the site. The vessel will be required to discharge the wastes at a rate of less than or equal to 1400 gallons per minute at a maximum speed of 10 knots within a 0.2 nautical mile circle in the upcurrent quadrant of the disposal site.

5. Feasibility of surveillance and monitoring [40 CFR

228.6(a)(5)]. The U.S. Coast Guard (USCG) may conduct spot surveillance of disposal activities at the site and they may inspect the disposal vessel for compliance with USCG regulations. EPA Region IX and the American Samoa Environmental Protection Agency will assist the USCG within the limits of their jurisdiction.

Waste stream and plume monitoring will be key factors in the site monitoring program. The monitoring program will be established to answer several questions including: composition of wastes disposed at the site during the term of the permit, the area affected by the disposal plume, movement of the disposal plume toward land and areas of special biological significance, disposal model verification, and potential impacts on commercial and recreational fisheries. If significantly adverse impacts are detected at the site, the site management plan will be flexible enough to allow for appropriate action.

6. Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any [40 CFR 228.6(a)(6)]. Water currents in the vicinity of the 1,500 fathom site are variable but move parallel to shore in a west-southwest direction. Surface current speeds average between 0.16 and 0.67 knots. During storm events, surface greater current speeds occur. Vertical mixing to a depth of approximately 20 meters has been documented at the disposal site; however, the surface waters off American Samoa are strongly stratified and deeper mixing is not expected below the permanent thermocline.

The prevailing winds, oceanic currents, shoaling effects of the reefs and the configuration of the island contribute to a persistent longshore current between Pago Pago Harbor and the southeastern point of the island. This current minimizes the possibility of the waste plume affecting nearshore reef areas. To further reduce the possibility of nearshore impacts, EPA Region IX has selected the 1,500 fathom site which is 5.45 nautical miles from shore.

7. Existence and effects of current and previous discharges and dumping in the area (including cumulative effects) [40 CFR 228.6(a)(7)]. Disposal of fish processing wastes has been permitted at two locations near the 1,500 fathom site since September 1980. An average of approximately 660,000 gallons per month has been discharged at these sites since the first permit was issued. Detailed field monitoring at the 900 fathom site, under 4 research permits, has not shown any unacceptable or cumulative environmental impacts since February 1987. Impacts on the water column during disposal operations are considered to be minimal and temporary. The potential for cumulative effects, also considered to be minimal at the 1,500 fathom site, will be assessed in the monitoring program as a major requirement of the MPRSA Section 102 permit.

8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean [40 CFR 228.6(a)(8)]. Interference with shipping and fishing is minimal because vessel traffic in the vicinity of the

disposal site is extremely low. In an effort to minimize effects on nearshore habitats and fish aggregation devices placed near the island, EPA Region IX has selected the 1,500 fathom site as the preferred alternative. There are no other uses of the ocean that could be affected by disposal of wastes at the 1,500 fathom site.

9. The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys [40 CFR 228.6(a)(9)]. The oceanic water quality is considered to be excellent in terms of concentration of nutrients and other compounds at the 1,500 fathom site. The size of the site has been enlarged to a radius of 1.5 nautical miles to contain any discharge plume within the boundaries. Water quality outside the site boundary is not expected to be affected by disposal of fish processing wastes.

The community of pelagic invertebrates in the vicinity of the 1,500 fathom site is dominated by large cephalopod mollusks of the genus Nautilus. Recent studies have shown that they may be food for large carnivores. Impacts on these highly motile invertebrates are expected to be very small.

Pelagic fish caught in the vicinity of the 1,500 fathom site include skipjack (Katsuwonus pelamis) and yellowfin tuna (Thunnus albacares) which are fished commercially throughout the tropical South Pacific Ocean. Other important sport and commercial fish species are marlin (Istiophorus platyperus), sailfish (Makaira spp.), dolphin fish (Coryphaena spp.), wahoo (Acanthocypium solandri) and kawakawa (Euthynnus affinis). These species are

migratory and they avoid areas of turbid water. No impacts are expected on these fish species. No impacts are expected on coastal birds, cetaceans or any endangered species in the vicinity of the 1,500 fathom site.

10. Potentiality for the development or recruitment of nuisance species in the disposal site [40 CFR 228.6(a)(10)]. Recruitment of nuisance species, such as sharks, in the vicinity of the disposal site is not expected. Sharks have been observed near the fish attractant device south of the island and in Pago Pago Harbor feeding on small fish. If a school of small prey fish were attracted to the waste plume, the sharks may pursue them. However, disposal of fish processing wastes at the current site has not caused an increase in the offshore shark population.

11. Existence at or in close proximity to the site of any significant natural or cultural feature of historical importance [40 CFR 228.6(a)(11)]. There are no known shipwrecks or any known aboriginal artifacts in the vicinity of the 1,500 fathom site.

F. Proposed Action

EPA Region IX has concluded that the proposed 1,500 fathom site, evaluated in the FEIS, may be designated for continued use. The 1,500 fathom site is compatible with the 5 general criteria and 11 specific criteria used by EPA for site evaluation. Designation of the 1,500 fathom site as an EPA-approved ocean dumping site is being published as proposed rulemaking. Management of this site will be the responsibility of the Regional Administrator of EPA Region IX. The monitoring program,

required as part of the MPRSA Section 102 permit, will be conducted by the permittees.

If the 1,502 fathom ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual ocean disposal of materials. Before ocean dumping of fish processing waste begins, EPA Region IX must evaluate each permit application according to the ocean dumping criteria. EPA Region IX has the right to disapprove the actual dumping, if environmental concerns under MPRSA have not been met.

G. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal site for fish processing wastes generated in Pago Pago, American Samoa. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a major rule. Consequently, this proposed rule does not necessitate preparation of a Regulatory Impact Analysis.

This Proposed Rule does not contain any requirements to collect information that are subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 228

Water Pollution Control.

Dated: 03 FEB 1989

Acting for Daniel W. McGovern

Regional Administrator for Region IX

In consideration of the foregoing, Subchapter H of Chapter 1 of Title 40 is amended as set forth below.

Part 228 - [Amended]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. Sections 1412 and 1418

2. Section 228.12 is amended by removing paragraph (a)(3) Fish Cannery Wastes Site-Region IX.

Location:

Latitude-14° 22' S,

Longitude-170° 41' W (center point).

Size: 1 nautical mile in diameter.

Depth: 1,200 meters (4,000 feet).

Primary Use: Fish cannery wastes.

Period of Use: Site will expire (36 months after date of publication)

Restrictions: Disposal shall be limited to not more than 130,000 tons per year of fish cannery wastes generated on the island of Tutuila, American Samoa;

and adding paragraph (b)(__) to read as follows:

Section 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(__) American Samoa Fish Processing Waste Disposal Site-Region IX.

Location: 14° 24.00' South latitude by 170° 38.20' West longitude (1.5 nautical mile radius).

Size: 7.07 square nautical miles.

Depth: 1,502 fathoms (2,746 meters).

Primary Use: Disposal of fish processing wastes.

Period of Use: Continuing use.

Restrictions: Disposal shall be limited to dissolved air flotation (DAF) sludge, presswater, and precooker water produced as a result of fish processing operations at fish canneries generated in American Samoa authorized for disposal under a MPRSA Section 102 permit.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

03 MAR 1989

Jeffrey Naumann, Manager
Environmental Engineering
Star-Kist Foods, Inc.
180 East Ocean Boulevard
Long Beach, CA 90802-4797

RE: Ocean Dumping Permit for Fish Processing Wastes Generated in American Samoa

Dear Mr. Naumann:

EPA Region 9 has reviewed your application to renew ocean disposal permit number OD 88-02. We are unable to process your permit without a formally designated ocean disposal site. As you know, notice of availability for a final environmental impact statement (FEIS) to designate a site will be published in the Federal Register on March 3, 1989. The 30-day comment period for this FEIS ends on April 3, 1989. A proposed rule for site designation was published in February, and EPA will accept comments on this rule until the close of the FEIS comment period.

Since EPA is unable to act on your permit request until such time as a permanent site is designated by publication and comment on a final rule, we are administratively extending ocean dumping permit OD 88-02. The present permit is being extended under the Administrative Procedures Act (5 U.S.C. 558). Star-Kist Samoa is required to comply with all general and special conditions of permit OD 88-02 until a permanent site is designated and a new three-year permit is issued.

If you have any questions on this matter, please contact Patrick Cotter at (415) 974-0257.

Sincerely,

Keith Taka

for Harry Seraydarian, Director
Water Management Division

cc: Pati Faiai, American Samoa EPA
Albert Cropley, Star-Kist Samoa
Fred Avers, Samoa Packing Company